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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,600	10/20/2003	Makoto Morishima	520.43227X00	2551

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ARLINGTON, VA 22209-3873

EXAMINER
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ALEJANDRO, RAYMOND

ART UNIT	PAPER NUMBER
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1745

MAIL DATE	DELIVERY MODE
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12/18/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

<b>Interview Summary</b>	<b>Application No.</b> 10/687,600	<b>Applicant(s)</b> MORISHIMA ET AL.	
	<b>Examiner</b> Raymond Alejandro	<b>Art Unit</b> 1745	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Raymond Alejandro. (3) \_\_\_\_\_  
 (2) William I. Solomon. (4) \_\_\_\_\_

Date of Interview: 14 December 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: all pending claims.

Identification of prior art discussed: all cited references.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 \_\_\_\_\_  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: With respect to the 112 issues, applicant contended that the specification on page 16, lines 21-24 does support the limitation of "not every slot is used for electrical connection" because there is disclosed that "three slots between three upper right unit cells and three lower right unit cells are not used for electrical connection". It was contended that the foregoing is representative of the subject matter of claims 22-23. The examiner contested that the foregoing disclosure is in the context of applicant's Embodiment 2, not in a generic form. The examiner asked for any disclosure in applicant's application stating the interchangeability of the teachings/components between embodiments but applicant only pointed to a general statement on page 13, lines 15-18. Applicant is required to further elaborate on this issue. As to the 112, 2nd paragraph, applicant proposed an amendment to recite either "all of the respective anodes/cathodes/slots" or "all of the plurality of anodes/cathodes/slots". The examiner stated that the former is not very clear but the latter should overcome that rejection. As to the art rejections, applicant asserted that the references fail to reveal "the plurality of first wiring plates covering the respective anode and the plurality of second wiring plates covering respective cathodes" and "the wiring plates being connected through the electrolyte membrane slots". The examiner traversed this allegation by pointing out that Figure 6 (third figure) of Kidai et al and Figure 3 of Choi clearly illustrate the same structure/configuration claimed by the applicant. It appears that applicant is relying upon unclaimed features for claiming patentability. For instance, applicant discussed that his electrolyte membrane is a continuous (all around the membrane) and only one-single membrane. However, this is not recited in the present claims. Also, applicant discussed that his first/second wiring plates contact respective anodes/cathodes. However, such a limitation is not present in the claims. To support his allegation, applicant stated that the plurality of first/second wiring plates configuration is disclosed on pages 18-19 of the specification and illustrated in Figures 3-4 and 6. The examiner replied that a point the needs attention from the applicant is that pages 18-19 discloses the formation of anode/cathode wiring layers 15, 12, respectively to further form respective anode/cathode wiring sheets, and if applicant is equating the term "plates" to "sheet", then there is only two single plates (not a plurality of first wiring plates and a plurality of second wiring plates). On the other hand, the disclosure appears to support a plurality of first wiring layers and a plurality of second wiring layers. Applicant is requested to take this into account and to further elaborate about how that disclosure circumscribes the invention as instantly claimed by the applicant.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.